



ANC

Negotiations Bulletin

Number 25

7 May, 1993

Towards reaching agreement

What South Africa needs now more than ever before is an election date and agreement on the process towards the formation of a democratic society.

In the previous Bulletin (see Bulletin 24), we reported that technical committees were being proposed to produce reports on a number of aspects in the negotiations. Instead of resorting to the cumbersome structures of the previous Working Groups of Codesa involving large numbers of people, Technical Committees of experts are being established. This will hopefully allow for speedy agreement to be reached.

Approach to negotiations

Negotiations are about achieving agreement on the transition to a democratic dispensation. We can identify two distinct phases since the resumption of negotiations. The first consisted of identifying the issues of concern to all parties involved in the process. The second phase involved identifying the process of reaching agreement on those areas of concern.

Accordingly, Technical Committees have now been agreed to and charged with the responsibility of producing reports for consideration by the parties.

Negotiating Council decisions

The Planning Committee met on the 29 April 1993 and submitted its first report to the

Negotiating Council on the 30 April 1993. The Negotiating Council considered this report together with the report tabled on the 26 April (See Bulletin 24). As will be recalled, the report submitted on the 26 April proposed that 6 technical committees be set up on the following aspects:-

- * The Independent Elections Commission
- * The Independent Media Commission and the Independent Telecommunications Authority
- * The amendment or repeal of legislation impeding free political activity and discriminatory legislation
- * On the TEC and its Sub-Councils with the proviso that the question of security forces and all armed formations shall be given priority attention
- * On strengthening the National Peace Accord
- * On the Peace Corps (however, the formation of a technical committee in this regard was deferred to a later date).

The second report, on constitutional matters, which was submitted on the 30 April proposed 2 more technical committees:-

- * On fundamental rights in the Transition
- * On other constitutional matters namely, Form of State and Constitutional Principles, Constituent Assembly, Transitional Constitution, Transitional Regional Government, the future of the TBVC states.

Approach to the outstanding Constitutional Matters

The constitutional issues identified have a direct bearing on two specific aspects:

- * Binding constitutional principles
- * Constitution Making Process

The COSAG group identified the issue of the "form of state" as their most important area of concern. This term means different things to different parties.

Whatever the term entails, the rest of the outstanding matters (Transitional Regional/Local Government; Fundamental Human Rights during the Transition) are all interrelated with the Form of State, whether as determined in a final or an interim constitution. It was accordingly agreed that it may prove unproductive, or even futile, to discuss any one of these items in complete isolation.

It was further agreed that whenever any of these listed matters is the subject of discussion in the Negotiating Council, participants should be allowed to simultaneously also deal with any or all of the others.

The Process Towards Reaching agreement

In spite of the interrelationship of the constitutional matters listed, two technical committees were proposed and agreed upon:-

1. A technical committee on the question of fundamental human rights during the transition.
2. A technical committee to deal with the remaining constitutional items as a package (Form of State and Constitutional Principles; Constitutional Making-Body/Constituent Assembly; Transitional/Interim Constitution; Transitional Regional/Local Government; Future of the TBVC States and Self Determination).

Both these technical committees would:

- * Take into account discussions in the Negotiating Council on these subjects;
- * Receive written inputs from participants; and
- * From time to time and under the direction of the Negotiating Council Prepare documentation on which discussions can proceed.

Reports produced by each of these technical committees would be discussed at the Negotiating Council and sent back to the technical committee for further development.

This process would be repeated until agreement is reached on a final document.

Technical Committees

The technical committees would consist of between 3 and 6 members who should be experts and not representatives of parties.

The names of these experts were to be submitted to the Multi-Party administration and put to a panel. The proposals will be submitted to the Negotiating Council meeting of the 7 May 1993 by the Planning Committee which meets on the same day.

The Technical Committees would be appointed by the Council on 7 May. Members of the Technical Committees may meet on 10 May when they would be briefed on their mandates, time scales, the nomination of convenors, functioning, etc. Each Committee will also receive submissions from the various parties for consideration.

The Technical Committees will be asked to each submit an initial report to the Planning Committee on 14 May for tabling in the Negotiating Council on 18 May 1993.

Election Date

The Planning Committee has approved a draft resolution to be tabled for discussion on the 7th May.

The draft resolution notes that there is an urgent need to inspire confidence in the negotiating process and our ability to resolve our problems peacefully; offer a clear vision of the major milestones in the negotiating process and to create conditions which eliminate violence in South Africa. It further recognises the wide acceptance of the need for democratic elections in South Africa.

Accordingly the draft resolution commits parties to ensure that the negotiating process moves forward over the next five weeks to set the exact date for an election that should take place not later than the end of April 1994.

NOTICE

This Bulletin is intended only to inform and stimulate discussion. The views contained herein do not necessarily reflect the official views of the NEC of the ANC.